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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,443	09/04/2003	Ronald Paul Dean	10017981-2	6453

7590 03/23/2005

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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WUJCIAK, ALFRED J

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/655,443

Applicant(s)

DEAN ET AL.

Examiner

Alfred Joseph Wujciak III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/12/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

This is the final Office Action for the serial number 10/655,443, SYSTEM AND MEANS FOR THE SECURE MOUNTING OF A DEVICE BRACKET, filed on 9/4/03.

#### *Double Patenting*

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

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Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-11 and 15-20 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 6,616,106.

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Although the conflicting claims are not identical, they are not patentably distinct from each other because US Patent # 6,616,106 teaches a bracket system comprising a plurality of chassis with slots; the chassis brackets (203) are attached to a chassis base (201); a mounting bracket assembly (100) with a plurality of tapered mounting bracket assembly slots (101) and a plurality of horizontally-protruding pegs (102); and a plurality of tabs (202) on the chassis base; the mounting bracket includes a handle (103) engageable with rotation pegs (205) on the chassis bracket; engagement of the chassis bracket slots and the mounting bracket pegs provide a positive stop for the mounting bracket assembly; engagement of the tabs and the mounting bracket assembly slots provide a positive stop for the mounting bracket assembly; the chassis bracket are positioned laterally to the mounting bracket assembly so that the mounting bracket pegs frictionally engage the chassis bracket slots when a mounting bracket handle frictionally engage the chassis bracket slots when mounting bracket handle frictionally engages rotation pegs on the chassis bracket; the mounting bracket assembly slots frictionally engage the tabs; the mounting bracket pegs are offset; at least one of the chassis brackets supports two devices; the mounting bracket assembly will frictionally engage the chassis bracket without a device present; the mounting bracket assembly can be moved when the mounting bracket handle is not engaged with the chassis bracket rotation pegs, the mounting bracket assembly movement allowing the mounting bracket to be aligned.

***Claim Rejections - 35 USC § 103***

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-4, 6, 8, 10, 15 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 5,564,804 to Gonzalez et al. in view of US Patent # 5,940,265 to Ho.

Gonzalez teaches a bracket system (figure 4) comprising a plurality of chassis bracket (104,106) attached to chassis base (102) and a mounting bracket assembly (108) with slot (216,224). The chassis base comprises a tab (402). The chassis bracket comprises a slot (40) and the mounting bracket assembly includes a horizontally protruding peg (304). The engagement of the tab and bracket assembly slot provide a positive stop for the mounting bracket assembly.

Gonzalez teaches the mounting bracket assembly with slot and the chassis base with tab but fails to teach the slot is tapered and the chassis base having plurality of tabs. Ho teaches the slot (16) is tapered and plurality of tabs (21,22). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Gonzalez's slot with tapered and added plurality of tabs to chassis base as taught by Ho to provide convenience for accessing the tabs into the tapered slots.

In regard to claims 3, 8, and 19-20 Gonzalez teaches the bracket having slot and bracket assembly having horizontally protruding peg but fails to teach the bracket having more than one slot and the bracket assembly having more than one offset horizontally protruding peg. It would

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have been obvious for one of ordinary skill in the art at the time the invention was made to have added more than one slot and horizontally protruding peg to the bracket and bracket assembly to provide additional support for stabilizing the bracket and bracket assembly together.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gonzalez in view of Ho and in further view of US Patent # 5,828,547 to Francovich et al.

Gonzalez teaches the chassis brackets but fails to teach the chassis brackets supports two devices. Francovich et al. teaches the chassis bracket (figure 10) supporting two devices (figure 11, 92 and 93). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Gonzalez's chassis brackets to support two devices as taught by Francovich et al. to provide additional device to be secured in the chassis brackets.

Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gonzalez et al. in view of US Patent # 4,947,661 to Yoshida.

Gonzalez et al. teaches the bracket system comprising means for vertical alignment (214) of the subassembly (108) providing means for positive stop (220). The system includes means for horizontal alignment (216) of the subassembly having means for positive stop (the side edge of element 216). The system includes means for securing (218) the subassembly to the chassis. The securing means further comprises a means for locking (304) the subassembly to the chassis. The securing means also providing means for positive stop (edge of 304 that is secured within slot of 404) for subassembly.

Gonzalez et al. teaches the means for securing but fails to teach the means for securing comprising a rotatable handle means. Yoshida teaches the means for securing (3) comprising a rotatable handle means (1). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added the rotatable handle means to Gonzalez et al.'s means for securing as taught by Yoshida to provide convenience for releasing the subassembly from the chassis.

### *Response to Arguments*

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (703) 306-5994. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703 308 2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III  
Examiner  
Art Unit 3632  
3/11/05

ATV

  
ANITA KING  
PRIMARY EXAMINER